

Message

From: Garvin, Shawn [garvin.shawn@epa.gov]
Sent: 12/27/2016 1:50:51 PM
To: Coe, Mary [Coe.Mary@epa.gov]
CC: Duchovnay, Andrew [Duchovnay.Andrew@epa.gov]; Rodrigues, Cecil [rodrigues.cecil@epa.gov]; rogers, rick [rogers.rick@epa.gov]; Reinhart, Roger [Reinhart.Roger@epa.gov]; Field, Stephen [Field.Stephen@epa.gov]; D'Andrea, Michael [DANDREA.MICHAEL@EPA.GOV]; Searfoss, Renee [searfoss.renee@epa.gov]; Capacasa, Jon [Capacasa.jon@epa.gov]; Lueckenhoff, Dominique [Lueckenhoff.Dominique@epa.gov]
Subject: Re: DuPont

Yes, RIII. Thx

On Dec 27, 2016, at 8:37 AM, Coe, Mary <Coe.Mary@epa.gov> wrote:

I can't think of anyone besides those on the email chain. Steve/Andy-- anyone else? I assume we are talking about r3.

Mary

Sent from my iPhone

On Dec 23, 2016, at 3:24 PM, Garvin, Shawn <garvin.shawn@epa.gov> wrote:

Can someone give me a list of all of our folks that were involved in this effort? Thanks!

From: Duchovnay, Andrew
Sent: Wednesday, December 21, 2016 3:34 PM
To: Garvin, Shawn <garvin.shawn@epa.gov>
Cc: Rodrigues, Cecil <rodrigues.cecil@epa.gov>; rogers, rick <rogers.rick@epa.gov>; Reinhart, Roger <Reinhart.Roger@epa.gov>; Coe, Mary <Coe.Mary@epa.gov>; Field, Stephen <Field.Stephen@epa.gov>; D'Andrea, Michael <DANDREA.MICHAEL@EPA.GOV>; Searfoss, Renee <searfoss.renee@epa.gov>; Capacasa, Jon <Capacasa.jon@epa.gov>; Lueckenhoff, Dominique <Lueckenhoff.Dominique@epa.gov>
Subject: RE: DuPont

Shawn, here is a final update.

This afternoon, Roger Reinhart and Jennifer Wilson (R5) convinced Chemours to adopt the sampling procedure we insisted on, namely, testing the water from carbon bed 1 and replacing bed 1 as soon as any detectable level of PFOA is detected. Then bed 2 will be moved into the primary spot and a new bed will take the back-up position in the treatment train.

Thanks Roger on a great job!

With this resolved, we are on our way to getting signatures. (Assuming nothing else pops up.)

Andy

From: Garvin, Shawn
Sent: Wednesday, December 21, 2016 11:59 AM
To: Duchovnay, Andrew <Duchovnay.Andrew@epa.gov>
Cc: Rodrigues, Cecil <rodrigues.cecil@epa.gov>; rogers, rick <rogers.rick@epa.gov>; Reinhart, Roger <Reinhart.Roger@epa.gov>; Coe, Mary <Coe.Mary@epa.gov>; Field, Stephen <Field.Stephen@epa.gov>; D'Andrea, Michael <DANDREA.MICHAEL@EPA.GOV>; Searfoss, Renee <searfoss.renee@epa.gov>; Capacasa, Jon <Capacasa.jon@epa.gov>; Lueckenhoff, Dominique <Lueckenhoff.Dominique@epa.gov>
Subject: Re: DuPont

Thx!

On Dec 21, 2016, at 11:55 AM, Duchovnay, Andrew <Duchovnay.Andrew@epa.gov> wrote:

That will be fine. I will come up.

From: Garvin, Shawn
Sent: Wednesday, December 21, 2016 11:52 AM
To: Duchovnay, Andrew <Duchovnay.Andrew@epa.gov>; Rodrigues, Cecil <rodrigues.cecil@epa.gov>; rogers, rick <rogers.rick@epa.gov>; Reinhart, Roger <Reinhart.Roger@epa.gov>; Coe, Mary <Coe.Mary@epa.gov>; Field, Stephen <Field.Stephen@epa.gov>; D'Andrea, Michael <DANDREA.MICHAEL@EPA.GOV>; Searfoss, Renee <searfoss.renee@epa.gov>; Capacasa, Jon <Capacasa.jon@epa.gov>; Lueckenhoff, Dominique <Lueckenhoff.Dominique@epa.gov>
Subject: RE: DuPont

Andy – A quick chat would be helpful. How about 1:30?

Thanks – Shawn

From: Duchovnay, Andrew
Sent: Wednesday, December 21, 2016 11:41 AM
To: Garvin, Shawn <garvin.shawn@epa.gov>; Rodrigues, Cecil <rodrigues.cecil@epa.gov>; rogers, rick <rogers.rick@epa.gov>; Reinhart, Roger <Reinhart.Roger@epa.gov>; Coe, Mary <Coe.Mary@epa.gov>; Field, Stephen <Field.Stephen@epa.gov>; D'Andrea, Michael <DANDREA.MICHAEL@EPA.GOV>; Searfoss, Renee <searfoss.renee@epa.gov>; Capacasa, Jon <Capacasa.jon@epa.gov>; Lueckenhoff, Dominique <Lueckenhoff.Dominique@epa.gov>
Subject: RE: DuPont

Shawn, would you like ORC to come up and brief you on the changes made in the AOC Mod?

The major aspects of the modification are as follows:

1. <!--[if !supportLists]--><!--[endif]-->Chemours was added as a Respondent, along with DuPont. Both are to be responsible to assure that the Work is accomplished.
2. <!--[if !supportLists]--><!--[endif]-->The Work section was modified to require the provision of temporary and permanent alternate water for all public and private wells with PFOA above 70 ppt.
3. <!--[if !supportLists]--><!--[endif]-->DuPont/Chemours are extending the investigation into new geographic areas "Step out Areas".
4. <!--[if !supportLists]--><!--[endif]-->DuPont will provide EPA with annual financial reports, so that we can monitor their financial condition after the merger with Dow.

We did not give in on any of the major terms that DuPont/Chemours wanted, for example covenants not to sue and reservations of rights.

Please let me know what works best for you.

Andy

From: Garvin, Shawn

Sent: Wednesday, December 21, 2016 11:19 AM

To: Rodrigues, Cecil <rodrigues.cecil@epa.gov>; Duchovnay, Andrew <Duchovnay.Andrew@epa.gov>; rogers, rick <rogers.rick@epa.gov>; Reinhart, Roger <Reinhart.Roger@epa.gov>; Coe, Mary <Coe.Mary@epa.gov>; Field, Stephen <Field.Stephen@epa.gov>; D'Andrea, Michael <DANDREA.MICHAEL@EPA.GOV>; Searfoss, Renee <searfoss.renee@epa.gov>; Capacasa, Jon <Capacasa.jon@epa.gov>; Lueckenhoff, Dominique <Lueckenhoff.Dominique@epa.gov>

Subject: RE: DuPont

I would like someone to run me through what is in the AOC modification. Thanks

From: Rodrigues, Cecil

Sent: Wednesday, December 21, 2016 11:11 AM

To: Duchovnay, Andrew <Duchovnay.Andrew@epa.gov>; rogers, rick <rogers.rick@epa.gov>; Reinhart, Roger <Reinhart.Roger@epa.gov>; Coe, Mary <Coe.Mary@epa.gov>; Field, Stephen <Field.Stephen@epa.gov>; D'Andrea, Michael <DANDREA.MICHAEL@EPA.GOV>; Searfoss, Renee <searfoss.renee@epa.gov>; Garvin, Shawn <garvin.shawn@epa.gov>; Capacasa, Jon <Capacasa.jon@epa.gov>; Lueckenhoff, Dominique <Lueckenhoff.Dominique@epa.gov>

Subject: RE: DuPont

Awesome! Great work by the whole team.

Cecil.

From: Duchovnay, Andrew

Sent: Wednesday, December 21, 2016 10:58 AM

To: Rodrigues, Cecil <rodrigues.cecil@epa.gov>; rogers, rick <rogers.rick@epa.gov>; Reinhart, Roger <Reinhart.Roger@epa.gov>; Coe, Mary <Coe.Mary@epa.gov>; Field, Stephen <Field.Stephen@epa.gov>; D'Andrea, Michael <DANDREA.MICHAEL@EPA.GOV>; Searfoss, Renee <searfoss.renee@epa.gov>

Subject: DuPont

The DuPont Washington Works lit team lawyers just informed Cynthia Giles that we believe that we will get a signed agreement with DuPont/Chemours. We have come to agreement on the language of the AOC Modification. EPA held firm on all major provisions and did not compromise on any of our core provisions. There are some technical issues to be resolved in the Model Water Treatment Plan, which will be an attachment to the AOC Modification, which we are working to resolve ASAP.

Region 5 management has been advised of the current status in this case this morning.

It has been agreed that Region 3 will take the lead in public affairs/press release matters, in coordination with Region 5 and OECA. [REDACTED]

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

We are planning to move the concurrence process through as quickly as possible. I will be working from now until New Years (with the exception of this Friday), and will keep you advised as this case progresses.

FYI, the jury started deliberating this morning in the most recent PFOA lawsuit against DuPont/Chemours. I expect a verdict shortly. The next trial is scheduled for January 17th.

Andy